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10/629,430	07/29/2003	Jae-Hyoung Choi	5649-1112	6037
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MYERS BIGEL SIBLEY & SAJOVEC			KENNEDY, JENNIFER M	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	

2812

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

# Office Action Summary

Application No.

10/629,430

Applicant(s)

CHOI ET AL.

Examiner

Jennifer M. Kennedy

Art Unit

2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 2,5-8,16,17,19,20,24-32,34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-4, 9-15, 18, 21-23, 33, 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/10/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Species A and Species 2, corresponding to claims 1, 3-4, 9- 15, 18, 20-23, 33, and 36-41 the reply filed on March 9, 2005 is acknowledged. Claim 20 recites "wherein heating at the first temperature and heating at the second temperature are performed in situ". The examiner believes claim 20 should be dependent on claim 19, for proper antecedent basis. Claim 19 is non-elected and therefore, claim 20 is non-elected

Claims 2, 5-8, 16-17, 19-20, 24-32 and 34-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 9, 2005.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 9-12, 14, 15, 18, 21, 22, and 23, are rejected under 35 U.S.C. 102(b) as being anticipated by Narwankar et al. (U.S. Patent No. 6,475,854).

Narwankar et al. disclose a method for fabricating a semiconductor device, the method comprising:

- forming a first conductive layer (910) for a first electrode on a semiconductor substrate;

- forming a dielectric layer (912) on the first conductive layer;

- forming a second conductive layer (915) for a second electrode on the dielectric layer;

- removing portions of the second conductive layer and the dielectric layer (see column 15, lines 29-35 and lines 60-65); and

- performing a thermal process on the second conductive layer and the dielectric layer at a temperature of at least about 400°C (see column 15, lines 55-60, column 11, lines 4-10 and column 9, lines 10-24).

In re claim 4, Narwankar et al. disclose the method wherein the performing the thermal process comprises heating the dielectric layer and the second conductive layer at a temperature in the range of about 450°C to 600°C in an inert gas atmosphere (see column 15, lines 55-60, column 11, lines 4-10, and column 9, lines 10-24).

In re claim 9, Narwankar et al. disclose the method wherein the first conductive layer comprises at least one material selected from the group consisting of platinum, ruthenium, iridium, rhodium, and/or osmium (see column 14, lines 44-46).

In re claim 10, Narwankar et al. disclose the method wherein the second conductive layer comprises a same material as the first conductive layer (see column 14, lines 44-46 and column 15, lines 35-40).

In re claim 11, Narwankar et al. disclose the method wherein forming the dielectric layer comprises forming a tantalum oxide layer (see column 15, lines 29-35).

In re claim 12, Narwankar et al. disclose the method wherein forming the dielectric layer comprises depositing tantalum oxide at a temperature in the range of about 350°C to 500°C using CVD (see column 15, lines 15-25 and Table I).

In re claim 14, Narwankar et al. disclose the method wherein performing the thermal process comprises performing the thermal process on the second conductive layer and the dielectric layer after removing portions of the second conductive layer and the dielectric layer (see column 15, lines 30-65).

In re claim 15, Narwankar et al. disclose the method for fabricating a semiconductor device, the method comprising:

forming a first conductive layer (910) for a first electrode on a semiconductor substrate;

forming a tantalum oxide layer (912) on the first conductive layer;

forming a second conductive layer (915) for a second electrode on the tantalum oxide layer;

-removing portions of the second conductive layer and the tantalum oxide layer (see column 15, lines 29-35, and lines 60-65); and

performing a thermal process to reduce an interface stress between the second conductive layer and the tantalum oxide layer and to cure the tantalum oxide layer, while maintaining the tantalum oxide layer in a substantially amorphous state during and after the thermal process (see column 15, lines 55-60, column 11, lines 4-10 and column 9, lines 10-24).

In re claim 18, Narwankar et al. disclose the method wherein the performing the thermal process comprises heating the dielectric layer and the second conductive layer at a temperature in the range of about 450°C to 600°C in an inert gas atmosphere (see column 15, lines 55-60, column 11, lines 4-10 and column 9, lines 10-24).

In re claim 21, Narwankar et al. disclose the method wherein the first conductive layer comprises at least one material selected from the group consisting of platinum, ruthenium, iridium, rhodium, and/or osmium (see column 14, lines 44-46).

In re claim 22, Narwankar et al. disclose the method wherein the second conductive layer comprises a same material as the first conductive layer (see column 14, lines 44-46 and column 15, lines 35-40).

In re claim 23, Narwankar et al. disclose the method wherein forming the dielectric layer comprises depositing tantalum oxide at a temperature in the range of about 350°C to 500°C using CVD (see column 15, lines 15-25 and Table I).

Claims 1, 4, 9, 10, 11, 12, 14, 15, 18, 21, 22, 23, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Lin et al. (U.S. Patent Appl. 2003/0107076).

Lin et al. disclose a method for fabricating a semiconductor device, the method comprising:

- forming a first conductive layer (76) for a first electrode on a semiconductor substrate;

- forming a dielectric layer (78) on the first conductive layer;

- forming a second conductive layer (80) for a second electrode on the dielectric layer;

- removing portions of the second conductive layer and the dielectric layer (see Figures 14, 15, and [0094]); and

- performing a thermal process on the second conductive layer and the dielectric layer at a temperature of at least about 400°C (see [0091], [0098]).

In re claim 4, Lin et al. disclose the method wherein the performing the thermal process comprises heating the dielectric layer and the second conductive layer at a temperature in the range of about 450°C to 600°C in an inert gas atmosphere (see [0098]).

In re claim 9, Lin et al. disclose the method wherein the first conductive layer comprises at least one material selected from the group consisting of platinum, ruthenium, iridium, rhodium, and/or osmium (see [0085]).

In re claim 10, Lin et al. disclose the method wherein the second conductive layer comprises a same material as the first conductive layer (see [0083], [0090]).

In re claim 11, Lin et al. disclose the method wherein forming the dielectric layer comprises forming a tantalum oxide layer (see [0088]).

In re claim 12, Lin et al. disclose the method wherein forming the dielectric layer comprises depositing tantalum oxide at a temperature in the range of about 350°C to 500°C using CVD (see [0088]).

In re claim 14, Lin et al. disclose the method wherein performing the thermal process comprises performing the thermal process on the second conductive layer and the dielectric layer after removing portions of the second conductive layer and the dielectric layer (see [0094], [0098]).

In re claim 15, Lin et al. disclose the method for fabricating a semiconductor device, the method comprising:

- forming a first conductive layer (76) for a first electrode on a semiconductor substrate;

- forming a tantalum oxide layer (78) on the first conductive layer;

- forming a second conductive layer (80) for a second electrode on the tantalum oxide layer;



removing portions of the second conductive layer and the tantalum oxide layer (see [0094], [0098]); and

performing a thermal process to reduce an interface stress between the second conductive layer and the tantalum oxide layer and to cure the tantalum oxide layer, while maintaining the tantalum oxide layer in a substantially amorphous state during and after the thermal process (see [0098]). The examiner notes that the conditions for the thermal process are at temperatures at which tantalum oxide would not crystallize, and as recognized by applicant (see specification, page 2, lines 5-15 and page 10, line 30 through page 11, line 5).

In re claim 18, Lin et al. disclose the method wherein the performing the thermal process comprises heating the dielectric layer and the second conductive layer at a temperature in the range of about 450°C to 600°C in an inert gas atmosphere (see [0098]).

In re claim 21, Lin et al. disclose the method wherein the first conductive layer comprises at least one material selected from the group consisting of platinum, ruthenium, iridium, rhodium, and/or osmium (see [0083]).

In re claim 22, Lin et al. disclose the method wherein the second conductive layer comprises a same material as the first conductive layer (see [0083], [0090]).

In re claim 23, Lin et al. disclose the method wherein forming the dielectric layer comprises depositing tantalum oxide at a temperature in the range of about 350°C to 500°C using CVD (see [0088]).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narwankar et al. (U.S. Patent No. 6,475,854) in view of Leung et al. (U.S. Patent No. 5,563,762).

Narwankar et al. disclose the method as claimed and rejected above, including patterning the second conductive layer and the dielectric by a conventional method, but do not disclose the method of wherein removing portions of the second conductive layer and the dielectric layer comprises dry etching the second conductive layer and the dielectric.

Leung et al. disclose the method of wherein removing portions of the second conductive layer and the dielectric layer comprises dry etching the second conductive layer and the dielectric (see column 5, lines 29-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to remove portions of the second conductive layer and the dielectric layer by dry etching the second conductive layer and the dielectric, because as Leung et al. teach, dry etching is conventional during patterning of the dielectric and upper electrode and allows for high resolution.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (U.S. Patent Appl. 2003/0107076) in view of Leung et al. (U.S. Patent No. 5,563,762).

Lin et al. disclose the method as claimed and rejected above, including patterning the second conductive layer and the dielectric by a conventional method, but do not disclose the method of wherein removing portions of the second conductive layer and the dielectric layer comprises dry etching the second conductive layer and the dielectric.

Leung et al. disclose the method of wherein removing portions of the second conductive layer and the dielectric layer comprises dry etching the second conductive layer and the dielectric (see column 5, lines 29-45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to remove portions of the second conductive layer and the dielectric layer by dry etching the second conductive layer and the dielectric, because as Leung et al. teach, dry etching is conventional during patterning of the dielectric and upper electrode and allows for high resolution.

Claims 3, 33, and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narwankar et al. (U.S. Patent No. 6,475,854) in view of Kunitomo et al. (U.S. Patent No. 6,235,572)

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In re claim 3, Narwankar et al. disclose the method as claimed and rejected above, but does not disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer. Kunitomo et al. disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer (see column 18, line 28 through column 20 line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the tantalum oxide layer by depositing a seed layer on the first conductive layer, and crystallizing the seed layer, because as Kunitomo et al. teach, it reduces stress of the crystallized tantalum oxide fill, improves morphology and density, and further reduces the leakage current of the dielectric (see column 19, lines 40-45, and column 20, lines 1-25).

In re claim 33, Narwankar et al. disclose the method for fabricating a semiconductor device, the method comprising:

forming a first conductive layer (910) for a first electrode on a semiconductor substrate;

forming a tantalum oxide layer (912);

forming a second conductive layer (915) for a second electrode on the tantalum oxide layer;

removing portions of the second conductive layer and the tantalum oxide layer (see column 15, lines 29-35 and lines 60-65); and

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performing a thermal process to reduce an interface stress between the second conductive layer and the tantalum oxide layer and to cure the tantalum oxide layer. (see column 15, lines 55-60, column 11, lines 4-10 and column 9, lines 10-24)

Narwankar et al. disclose the method as claimed and rejected above, but does not disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer. Kunitomo et al. disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer (see column 18, line 28 through column 20 line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the tantalum oxide layer by depositing a seed layer on the first conductive layer, and crystallizing the seed layer, because as Kunitomo et al. teach, it reduces stress of the crystallized tantalum oxide fill, improves morphology and density, and further reduces the leakage current of the dielectric (see column 19, lines 40-45, and column 20, lines 1-25).

In re claim 36, the combined Narwankar et al. and Kunitomo et al. disclose the method wherein forming the seed layer comprises forming a seed layer having a thickness in the range of about 30A to 60A (see Kunitomo column 18, lines 38-45). Kunitomo et al. disclose the method of forming the seed layer to a thickness of 10nm or less, which is 100 Angstroms or less. The examiner considers 100 Angstroms or less to read on about 60 Angstroms.

The examiner notes that Applicant does not teach that the thickness range solves any stated problem or is for any particular purpose. Therefore, the thickness range lacks criticality in the claimed invention and does not produce unexpected or novel results. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the seed layer to a thickness of about 30 to about 60 angstroms, since the tantalum oxide layer would have functioned as a seed layer to allow further growth of the layer, and because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233, MPEP 2144.05 II A.

In re claim 37, the combined Narwankar et al. and Kunitomo et al. disclose the method wherein crystallizing the seed layer comprises heating the seed layer at a temperature in the range of 650°C to 750°C (see Kunitomo et al. column 18, line 45 through column 19, line 15).

In re claim 38, Narwankar et al. disclose the method wherein the first conductive layer comprises at least one material selected from the group consisting of platinum, ruthenium, iridium, rhodium, and/or osmium (see column 14, lines 44-46).

In re claim 39, Narwankar et al. disclose the method wherein the second conductive layer comprises a same material as the first conductive layer (see column 14, lines 44-46 and column 15, lines 35-40).

In re claim 40, Narwankar et al. disclose the method wherein forming the dielectric layer comprises depositing tantalum oxide at a temperature in the range of about 350°C to 500°C using CVD (see column 15, lines 15-25, and Table I).

In re claim 41, the combined Narwankar et al. and Kunitomo et al. disclose the method wherein the seed layer comprises forming a seed layer of a tantalum oxide layer (see Kunitomo et al. column 18, line 28 through column 20 line 5).

Claims 3, 33, and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al. (U.S. Patent Appl. 2003/0107076) in view of Kunitomo et al. (U.S. Patent No. 6,235,572)

In re claim 3, Lin et al. disclose the method as claimed and rejected above, but does not disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer. Kunitomo et al. disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer (see column 18, line 28 through column 20 line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the tantalum oxide layer by depositing a seed layer on the first conductive layer, and crystallizing the seed layer, because as Kunitomo et al. teach, it reduces stress of the crystallized tantalum oxide fill,

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improves morphology and density, and further reduces the leakage current of the dielectric (see column 19, lines 40-45, and column 20, lines 1-25).

In re claim 33, Lin et al. disclose the method for fabricating a semiconductor device, the method comprising:

performing a thermal process to reduce an interface stress between the second conductive layer and the tantalum oxide layer and to cure the tantalum oxide layer.

forming a first conductive layer (76) for a first electrode on a semiconductor substrate;

forming a tantalum oxide layer (78);

forming a second conductive layer (80) for a second electrode on the tantalum oxide layer;

removing portions of the second conductive layer and the tantalum oxide layer (see [0094], [0098]); and

performing a thermal process to reduce an interface stress between the second conductive layer and the tantalum oxide layer and to cure the tantalum oxide layer, while maintaining the tantalum oxide layer in a substantially amorphous state during and after the thermal process (see [0098]). The examiner notes that the conditions for the thermal process are at temperatures at which tantalum oxide would not crystallize, and as recognized by applicant (see specification, page 2, lines 5-15 and page 10, line 30 through page 11, line 5).



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Lin et al. disclose the method as claimed and rejected above, but does not disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer. Kunitomo et al. disclose the method of forming the dielectric layer by the method of depositing a seed layer on the first conductive layer, and crystallizing the seed layer (see column 18, line 28 through column 20 line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the tantalum oxide layer by depositing a seed layer on the first conductive layer, and crystallizing the seed layer, because as Kunitomo et al. teach, it reduces stress of the crystallized tantalum oxide fill, improves morphology and density, and further reduces the leakage current of the dielectric (see column 19, lines 40-45, and column 20, lines 1-25).

In re claim 36, the combined Lin et al. and Kunitomo et al. disclose the method wherein forming the seed layer comprises forming a seed layer having a thickness in the range of about 30A to 60A (see Kunitomo column 18, lines 38-45). Kunitomo et al. disclose the method of forming the seed layer to a thickness of 10nm or less, which is 100 Angstroms or less. The examiner considers 100 Angstroms or less to read on about 60 Angstroms.

The examiner notes that Applicant does not teach that the thickness range solves any stated problem or is for any particular purpose. Therefore, the thickness range lacks criticality in the claimed invention and does not produce unexpected or novel results. Thus, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to form the seed layer to a thickness of about 30 to about 60 angstroms, since the tantalum oxide layer would have functioned as a seed layer to allow further growth of the layer, and because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233, MPEP 2144.05 II A.

In re claim 37, the combined Lin et al. and Kunitomo et al. disclose the method wherein crystallizing the seed layer comprises heating the seed layer at a temperature in the range of 650°C to 750°C (see Kunitomo et al. column 18, line 45 through column 19, line 15).

In re claim 38, Lin et al. disclose the method wherein the first conductive layer comprises at least one material selected from the group consisting of platinum, ruthenium, iridium, rhodium, and/or osmium (see [0083]).

In re claim 39, Lin et al. disclose the method wherein the second conductive layer comprises a same material as the first conductive layer (see [0083], and [0090]).

In re claim 40, Lin et al. disclose the method wherein forming the dielectric layer comprises depositing tantalum oxide at a temperature in the range of about 350°C to 500°C using CVD (see [0088]).

In re claim 41, the combined Lin et al. and Kunitomo et al. disclose the method wherein the seed layer comprises forming a seed layer of a tantalum oxide layer (see Kunitomo et al. column 18, line 28 through column 20 line 5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Kennedy whose telephone number is (571) 272-1672. The examiner can normally be reached on Mon.-Fri. 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael S. Lebentritt can be reached on (571) 272-1873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer M. Kennedy  
Patent Examiner  
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jmk